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AUG 25 2008

In re Application of :
Koide, et al. :
Application No. 10/722,116 :
Filed: November 25, 2003 :
Attorney Docket No. AK-N-432XX :

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed July 9, 2008, requesting that the Office withdraw the holding of abandonment of the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

This application was held abandoned for failure to respond in a timely manner to the non-final Office action, mailed December 12, 2007, which set forth an extendable three (3) month period for reply. The Office contended that this application became abandoned on March 13, 2008 for failure to reply to the December 12, 2007 non-final Office action. A Notice of Abandonment was mailed on June 19, 2008.

Petitioners request withdrawal of the holding of abandonment based on the assertion that an amendment and terminal disclaimer were timely received in the Office on March 12, 2008. The undersigned finds this argument completely convincing, as these documents are present in the application file. Therefore, the amendment and terminal disclaimer were timely filed.

The petition under 37 CFR 1.181 is **granted**, the holding of abandonment is withdrawn, and the June 19, 2008 Notice of Abandonment is **vacated**. No petition fee has been or will be charged in connection with this matter. A terminal disclaimer fee of \$130.00 will be charged to deposit account no. 23-0804.

Accordingly, the application file will be forwarded to Technology Center A.U. 1794 for consideration of the amendment and terminal disclaimer filed on March 12, 2008.

Telephone inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

A handwritten signature in cursive script, reading "Shirene Willis Brantley". The signature is written in black ink and is positioned above the printed name.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy